

REMARKS

a. Amendments to Claims

In the Response to a Made Final Rejection filed August 25, 2004 amendments to the claims were made which were entered. The pending claims are further amended herein to clarify the present invention. The applicant herein incorporates by reference all prior arguments in the prior Responses with respect to the cited references and respectfully requests reconsideration of the pending claims.

After Final amendments to independent claims 1, 2, 10, 11 and 16 were earlier made to clarify that the slot machine (claims 1, 2 and 10) or casino game (claims 11 and 16), in the preamble is played "to a spin outcome." While this was already stated in each independent claim, this clarifies that the method of the present invention provides method steps involving only one spin outcome. The remaining After Final amendments were made to provide proper antecedents. These earlier After Final amendments positively clarify that the method of play of the claimed invention requires (1) the random appearance of the trigger symbol in the symbols of the "said spin outcome" and (2) the selection of another symbol by the player in "said spin outcome" when trigger symbol appears.

Independent claims 1, 2, 10, 11, 16 have now been further amended to recite that the spin outcome is displayed "in a touch screen" of the slot machine and that selecting occurs by the player "touching" at least one of the symbols. Proper antecedents for "displayed" are also added to "matrix."

b. Misunderstandings

(1) Adams

The rejection of June 30, 2004 appears to misstate the teachings of Adams:

"Adams discloses a video embodiment of the well-known game of Joker Poker. In Joker Poker, the player is presented with a display of symbols that is a result of the spin outcome (FIG 1). The player can hold all cards or choose to replace them with other cards. When a trigger of having a reserved wild card occurs, the system lets the player select and replace a displayed symbol with the wild joker (Column 4). When the player chooses to use their wild card, the symbol it replaces is now a wild symbol and the player is awarded in accord with a payable based on the result of the hand including the changed wild card (Column 5, lines 3-7)." (emphasis added)

Adams actually teaches a "traveling" wild card for use on a second game subsequently played after the first game (see entire specification and claim 1). Adams requires seven steps (1)-(7): When a player in Adams (1) receives a wild card in the first game outcome (column 4, line 48), Adams (2) then requires the player either to play the wild card in the first game outcome or to press the "Reserve Wild Card" button 32 (Figure 2) (column 4, line 50). Pressing button 32 (3) places an image of a wild card in a separate reserve area 34 (Figure 2) (column 4, line 52). The first game outcome is then completed (4) by the player receiving a replacement card (column 3, line 24). The player must then (5) wager (column 4, line 34) in a subsequent game (a second game) and (6) receives a second game outcome (Figure 2 and column 5, lines 3-8). Adams limits (e.g., 10 at column 4, line 7) how many subsequent games can be played before the reserved wild card is taken away so as to control very high payouts (column 4, line 12). The player then selects (7) any one card from among displayed cards in the second game outcome to replace it with the reserved wild card (column 5, lines 3-8). The aforesaid seven separate steps of Adams involving at least two separate game outcomes do not render obvious the method claimed herein of a single game with its single spin outcome of the claimed invention.

The only disclosure in Adams relevant to the claimed invention of a single game with its single game outcome is where the Adams' player receives a wild card and uses it in the first game outcome (column 2, line 34). The appearance of a wild card in Joker Poker (and in other old card games) is well known as discussed in the Background of the present application. The claimed invention represents a novel, non-obvious improvement over such conventional play.

Each independent claim recites "a spin outcome" in the preamble as the method of present invention pertains to a single spin outcome. Adams requires receiving a wild card (which is reserved) in a first game outcome and using the traveling wild card in a subsequent second game outcome. This is not the present invention as claimed. Nor, would it have been obvious to implement Adams' own teachings into a single game outcome, as Adams specifically discloses the conventional use of the wild card in the first game. Adams actually teaches away from the present invention by requiring a player to place a wager to play at least one more subsequent game in order to use the reserved wild card. The term "reserve" has no meaning in the present invention.

Independent claims 1, 2, 10 and 11 require "when at least one trigger symbol randomly appears in said matrix of symbols in said spin outcome." The trigger symbol is illustrated in

Figure 2 and is a symbol actually appearing in the spin outcome. It is a trigger symbol, not an Adam's wild card. As taught in the present specification on page 8, last paragraph, in one embodiment, the trigger symbol automatically becomes wild and, in another embodiment (page 9 second full paragraph) it does not become wild.

The misunderstanding is emphasized in the above quote in the Rejection, there is no random appearance of a "trigger symbol" in the play outcome of the second game outcome in Adams whatsoever. The Examiner's statement that "when a trigger of having a reserve wild card occurs, the system lets the player select and replace the displayed symbol with the wild joker" in the above quotation is believed to be a misunderstanding. The reserved wild card occurs in a separate area of Adams (not in the game outcome) of Adams and it is not a random trigger displayed in the second game. It is not random as it was previously reserved by the player and is constant in its appearance and ability to be used in any subsequent game thereafter for a predetermined number of games in Adams. Further, the reserved wild card does not appear in the second game's play outcome (claim 1 the trigger symbol appears in the play outcome). Hence, there is no disclosure, suggestion, inference nor would it have been obvious to one skilled in the art to arrive at the applicant's invention as forth in claim 1 over Adams.

(2) Bennett

The rejection relies on Bennett for changing remaining symbols in a line to a wild card. This is not the teachings of Bennett. Bennett specifically teaches an animated PENGUIN symbol that moves to each symbol along a path, as it moves to each symbol that symbol changes to a PENGUIN and then changes back to the original symbol. However, when the symbol changes to a PENGUIN, as the PENGUIN is wild, a payoff is made. Hence, each symbol in a line of Bennett successively changes to a wild symbol and then back to the original symbol. The Examiner's attention is directed towards examples found on columns 3-5 of Bennett. These are not the teachings of dependent claims 7, 13-15 and 20. Indeed, Bennett teaches away from the claimed invention.

c. Claim 1

Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams.

As set forth and discussed above, the only disclosure in Adams of affecting a single game outcome is the delivery of a wild card that is used in the first game outcome (column 3, line 34) which is conventional. In this embodiment of Adams, there is disclosure of the player touching any other card symbol in the first game outcome (when the wild card appears) contrary to what is fully set forth and claimed in pending claim 1. However, claim 1 has been amended to recite that the trigger symbol is "non-wild" and full support for this is found on page 9, second full paragraph of the specification. For this reason alone and for the other reasons set forth above, herein incorporated by reference, relating to the single game outcome, etc. the present invention, as articulated, in claim 1 is patentably distinct over Adams.

d. Claims 2, 4-8

With respect to independent claim 2 and its dependent claims 4-8, the arguments set forth above with respect to a single spin outcome are incorporated herein by reference. Claim 2 sets forth a novel and non-obvious method of playing a slot machine to a spin outcome wherein the wager is received from a player to begin play of the slot machine. A matrix of symbols is displayed as the spin outcome in a touch screen of the slot machine. At this point, the claimed invention in claim 2 departs from the teachings of the cited Adams reference. In the specification of the present invention the trigger symbol can be either a non-wild trigger symbol or a wild trigger symbol. In the case of a wild trigger symbol it appears, as claimed in claim 2, in the matrix of symbols of the spin outcome. In Adams, at this point in play of the Adams' game, the Adams' player may either reserve the wild card or play the wild card in the first game outcome. The only relevance of Adams to the pending claim 2 is the appearance of the wild card in the game outcome. In the option of Adams where the player reserves the wild card, the wild card is removed from the game outcome and a replacement card occurs. This teaching has no relevance to the claimed invention as the trigger symbol is never removed (even when it is a wild trigger symbol) from the game outcome and substituted with a replacement symbol! In the option of Adams where the player does not remove the wild card, the player plays the wild card, but the player can not convert any other symbol in the game outcome in Adams as fully claimed and taught by claim 2 of the present invention. Hence claim 2 (and its dependent claims) are patentably distinct.

The Office Action with respect to dependent claim 4 states "Adams does not disclose that symbols can correspond to each other, thus, the automatic conversion is held to a single symbol only as there is no correspondence among symbols to be accounted for." This rejection is not understood since claim 4 specifically claims and Figure 1 specifically shows identical symbols. The fact that Adams does not does not render obvious claim 4, but the solid evidence of patentability.

Claims 5 and 6 pertain to using enhanced multipliers. In the context of claim 2, there is certainly no teaching in any of the cited art including Adams of this feature. If this is so well known in the eyes of a skilled artisan, it certainly is not found in Adams.

With respect to dependent claim 8, when the Adams' player receives a wild card in the first game, absolutely no strategy can exist. The video poker provides the placement and delivery of the wild card without any input whatsoever by the player. When the player in the second embodiment of Adams in a subsequent second game outcome, can use strategy, but when claim 8 is read with claim 2 the method steps of claim 2 are not found or taught in this embodiment of Adams.

e. Claim 10

In independent claim 10 a novel and non-obvious apparatus is set forth. This apparatus simply is not found in Adams as Adams does not have an input means for a player to select, by touching, at least one symbol within the displayed matrix on the touch screen display when a trigger symbol is randomly displayed with the spin outcome. This pertains only to the embodiment of Adams where the wild card is initially received and the player can do nothing with touching or inputting or doing anything with that spin outcome! With respect to Adams' second embodiment of reserving the wild symbol to let it travel to a subsequent game, when the subsequent game is played, again there is no trigger symbol randomly displayed in that second spin outcome. Hence, claim 10 for this reason and for the reasons set forth above incorporated by reference herein stands patentably distinct.

f. Claims 11-15

Claim 1 pertains to a novel and non-obvious method for playing a casino game to a spin outcome. The reasons set forth above with respect to claim 11 are incorporated herein by

reference. With respect to dependent claim 12, there is no separate step in Adams of displaying a trigger symbol and then converting it to a wild symbol. Adams only discloses that the player "receives a wild card" and that there is no disclosure of an intermediate "trigger symbol" that is displayed first. The Examiner is put on strict proof that Adams provides such displayed and conversion to a wild symbol. With respect to dependent claims 13 and 14, there is no disclosure in Adams and Bennett does not provide these precise method steps as Bennett only teaches a wild card symbol such as a PENGUIN moving from symbol to symbol and successively changing each symbol to a wild symbol. This is an incremental process as only one symbol can be wild and it is only wild when the PENGUIN walks to the symbol. This is not the teaching as claimed in dependent claims 13, 14 and 15 and these claims stand patentably distinct over Bennett in view of Adams.

g. Claims 16-20

Claim 16 and its dependent claims 17-20 are novel and non-obvious over the cited art for the reasons set forth above and incorporated herein. Neither embodiment of Adams sets forth a game playing method for a casino game with respect to a single spin outcome setting forth the features of qualifying the player to select, by touching, one or more of the symbols in the presented spin outcome on the touch screen and then converting each of the selected touch symbols or a wild symbol. For the reasons already articulated dependent claim 17 is patentably distinct. Dependent claim 18 is similar to claim 17 and is patentably distinct. Claim 19 is similar to claim 14 and the discussion with respect to claim 14 is incorporated herein by reference. Dependent claim 20 is similar to dependent claims 7, 13 and 15 and the discussion concerning those claims with respect to Bennett is incorporated by reference.

It is maintained that each claim is patentably distinct over the cited art and allowance of each claim is respectfully requested.

Should you have any questions regarding the above, please feel free to give the below-listed attorney a call. If additional fees are required, please debit our Deposit Account No. 04-1414.

Respectfully submitted,

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